

# Notice of Allowability

Application No.

10/780,885

Examiner

Toan C. To

Applicant(s)

GRYWACHESKI ET AL.

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on September 28, 2007.
2. ☒ The allowed claim(s) is/are 1,2,4-11,17,18,20-22 and 24-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

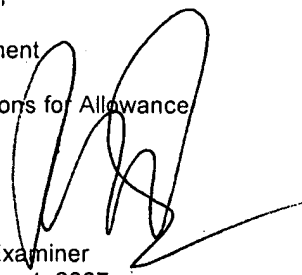
4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Toan To  
Patent Examiner  
December 4, 2007



## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1-2, 4-11, 17-18, 20-22, and 24-28 are allowed.
2. The following is an examiner's statement of reasons for allowance:

With respect to independent claim 1, the prior art either alone or in combination fails to disclose teach or suggest a personal all-terrain vehicle comprising: a driver seat supported on the frame; wherein, the driver seat being positioned at an end of the frame beyond the wheels of the vehicle in the longitudinal direction of the vehicle; wherein there is provided a track extending about respective ones of the wheels on each side of the frame, and wherein the seat includes a deck below a seating surface of the seat and positioned below a height of the tracks.

With respect to independent claims 17-18, the prior art either alone or in combination fails to disclose teach or suggest a personal all-terrain vehicle comprising a driver seat supported on the frame; the driver seat being positioned at an end of the frame beyond the wheels of the vehicle in the longitudinal direction of the vehicle; wherein the seat is pivotal relative to the frame about a vertical axis between a first position facing laterally outward in a first substantially perpendicular direction relative to the longitudinal direction, and a second position facing laterally outward in a second substantially perpendicular direction relative to the longitudinal direction and opposite the first direction.

With respect to independent claims 22 and 24, the prior art either alone or in combination fails to disclose teach or suggest a personal all-terrain vehicle comprising a

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driver seat supported on the frame; the driver seat being positioned at an end of the frame beyond the wheels of the vehicle in the longitudinal direction of the vehicle; wherein the seat is supported on the frame so as to be arranged for upward pivotal movement of the seat relative to the frame about a substantially horizontal axis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTo

December 4, 2007

  
**TOANTO**  
**EXAMINER**